

**FLEIT, KAIN,  
GIBBONS, GUTMAN,  
BONGINI & BIANCO P.L.**  
ATTORNEYS AT LAW

Miami • Fort Lauderdale • Boca Raton

Fleit, Kain, Gibbons, Gutman,  
Bongini & Bianco P.L.  
551 NW 77th Street, Suite 111  
Boca Raton, Florida 33487  
Telephone: (561) 989-9811  
Facsimile: (561) 989-9812  
writer's e-mail: kschlosbon@FocusOnIP.com

## TELECOPIER TRANSMITTAL FORM

**DATE:** August 24, 2004  
**TO:** Derek Rich  
**FIRM:** USPTO/ Office of Patent Publication  
**FAX #:** (703) 308-5065

**FROM:** Kathleen Schlosbon

**TOTAL NUMBER OF PAGES** 6  
**(INCLUDING THIS PAGE)**

RECEIVED  
AUG 24 2004  
CUSTOMER SERVICE  
PUBLISHING DIVISION

IF YOU DO NOT RECEIVE ALL PAGES CLEARLY, PLEASE CONTACT US IMMEDIATELY

### MESSAGE:

### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicant(s):** Paolo CAPPELLETTI et al.

**Serial No.:** 10/606,164

**For:** *ELECTRICALLY ERASABLE AND PROGRAMMABLE  
NON-VOLATILE MEMORY CELL*

#### Enclosed are the following:

Petition to Withdraw the Holding of Abandonment (2 pgs.); Exhibit A (2 pgs.); and  
Exhibit B (1 pg.)

**Docket No.:** 01-AG-325/RR

**220-P0015**

**August 24, 2004**

CONFIDENTIALITY NOTE: THE INFORMATION CONTAINED IN THIS TRANSMISSION IS LEGALLY PRIVILEGED AND CONFIDENTIAL. INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION, OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU RECEIVE THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE (COLLECT) AND RETURN THE ORIGINAL MESSAGE TO US AT THE ABOVE LISTED ADDRESS VIA THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR POSTAGE AND/OR TELEPHONE EXPENSES INVOLVED. THANK YOU.

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of : Docket No. 01-AG-325/RR  
Paolo CAPPELLETTI et al. : Group Art Unit: 2826  
Serial No.: 10/606,164 : Examiner: Kevin V. Quinto  
Filed: June 25, 2003 :

Title: *ELECTRICALLY ERASABLE AND PROGRAMMABLE  
NON-VOLATILE MEMORY CELL*

**PETITION UNDER 37 C.F.R. §1.181 (a) TO WITHDRAW  
THE HOLDING OF ABANDONMENT**

**VIA FACSIMILE (703) 308-5065**

Attn: Office of Patent Publication  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR §1.181 (a), the applicants respectfully petition the Commissioner for withdrawal of the holding of Notice of Abandonment dated August 10, 2004 (see Exhibit A). The Notice of Abandonment states "*Applicant's Failure to Timely Pay the Required Issue Fee and Publication Fee...*" because "*The Submitted Fee of \$1465 is insufficient. A balance of \$165 is due.*"

In review of our June Deposit Account Statement for Deposit Account No. 50-1556, it appears that we had sufficient funds when our account was being charged for the issue fee and publication fee on June 22, 2004 (see Exhibit B). After charging us \$300.00 for the publication fee and \$30.00 for the printed copies, there remained a balance of \$7,148.00. Therefore, there were sufficient funds to charge the total issue fee amount of \$1,330.00. In fact, as shown in Exhibit B, there was \$5,983.00 available in our Deposit Account.

This is a non-fee petition, but if it should be determined that a fee is required, please charge to Deposit Account No. 50-1556.

In the alternative, in the highly unlikely event that this non-fee petition is not granted, the Applicants respectfully request the payment of the required issue fee and publication fee from the Deposit Account 50-1556 under 35 USC §41(a)(7) and MPEP 711.03(c) as unintentionally delayed due to Applicants detrimental reliance on the USPTO's monthly deposit account statement indicating sufficient funds.

Respectfully submitted,

Date: 8/24/04

By: 

Jon A. Gibbons (Reg. No. 37,333)  
Attorney for Applicants  
Fleit, Kain, Gibbons, Gutman,  
Bongini & Bianco, P.L.  
One Boca Commerce Center  
551 Northwest 77<sup>th</sup> Street, Suite 111  
Boca Raton, FL 33487  
Tel. (561) 989-9811  
Fax (561) 989-9812

**Please Direct All Future Correspondence to Customer Number 23334.**

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Office of Patent Publication, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Kathleen Schlosborn  
Name

Kathleen Schlosborn  
Signature

8/24/04  
Date